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SENATE BILL 339

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO EDUCATION; DIRECTING THE PUBLIC EDUCATION
DEPARTMENT TO REGULATE THE SALE OF CERTAIN FOODS IN A SCHOOL;
PROHIBITING THE SALE OF CERTAIN BEVERAGES OUTSIDE OF DESIGNATED
AREAS OF A SCHOOL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Nutrition in Schools Act".

Section 2. DEFINITIONS.--For the purposes of the
Nutrition in Schools Act:

A. "competitive food" means a food sold in
competition with school-prepared and provided meals in food
service areas during lunch periods;

B. "department" means the public education
department; and

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1 C. "food of minimal nutritional value" means:

2 (1) in the case of artificially sweetened
3 foods, a food that provides less than five percent of the
4 federal reference daily intakes for each of eight specified
5 nutrients per serving; and

6 (2) in the case of all other foods, a food
7 that provides less than five percent of the federal reference
8 daily intakes for each of the eight specified nutrients per one
9 hundred calories and less than five percent of the federal
10 reference daily intakes for each of the eight specified
11 nutrients per serving. The nutrients to be assessed for
12 purposes of this subsection are protein, vitamin A, vitamin C,
13 niacin, riboflavin, thiamine, calcium and iron.

14 Section 3. DEPARTMENT POWERS.--The department shall
15 establish rules to control the sale of competitive foods in
16 public schools. The rules shall prohibit the sale of foods of
17 minimal nutritional value in the food service areas during the
18 lunch period. The sale of other competitive foods may be
19 allowed in the food service area during the lunch period only
20 if all income from the sale accrues to the benefit of a
21 nonprofit school food service, school or school-approved
22 student organization.

23 Section 4. LOCATION OF BEVERAGES IN ELEMENTARY SCHOOLS.--
24 Except in teacher's lounges, beverages other than water and one
25 hundred percent fruit or vegetable juices shall not be

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1 accessible to elementary school students during the school day.
2 Availability of other beverages will be limited to after-school
3 functions as determined appropriate by the local school board
4 of a school district. All vending machines located on school
5 grounds shall feature graphics featuring only one hundred
6 percent fruit or vegetable juices, water or educational
7 programs.

8 Section 5. TEMPORARY PROVISION--EXISTING CONTRACTS.--

9 Existing contracts between a school and a food or beverage
10 vendor that would otherwise be affected or prohibited by the
11 Nutrition in Schools Act shall remain lawful until the
12 expiration of the contract or July 1, 2005, whichever is
13 sooner.

14 Section 6. EFFECTIVE DATE.--The effective date of the

15 provisions of this act is July 1, 2004.